

**NOTICE OF APPEAL FROM THE PRIMARY
EXAMINER TO BOARD OF PATENT APPEALS AND
INTERFERENCES**

ATTORNEY'S DOCKET NO.:
A-460A

SERIAL NO:
09/559,001

FILING DATE:
April 21, 2000

EXAMINER:
Deberry, Regina M

GROUP ART UNIT:
1647

IN RE APPLICATION OF: Egrie, et al

For: Methods and compositions for the prevention and treatment of anemia

TO THE COMMISSIONER FOR PATENTS:

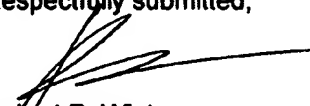
Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision dated 02-04-05 of the Primary Examiner finally rejecting claim(s) 45-48 and 51-78.

- ☐ Notice of Appeal fee not required (fee paid in prior appeal of this application)
- ☒ Notice of Appeal fee \$500.00 (37 CFR 1.17 (b))
- ☒ Applicant(s) petition(s) under 37 CFR 1.136 for an extension of time to file the foregoing Notice of Appeal as follows:
- ☐ One month (\$120.00)
- ☐ Two months (\$450.00)
- ☒ Three months (\$1,020.00)

Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$500.00. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 01-0519. An original and two copies are enclosed.

Adjustment date: 02/15/2006 CKHLOK
11/07/2005 TBESHAH1 00000012 010519 09559001
03 FC:1253 1020.00 CR

Respectfully submitted,


Robert B. Winter
Attorney/Agent for Applicant(s)
Registration No.: 34,458
Phone: (805) 447-2425
Date: 11-2-05

Please send all future correspondence to:

21069
U.S. Patent Operations/RBW
Dept. 4300, M/S 28-2-C
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799, USA

11/07/2005 TBESHAH1 00000012 010519 09559001
03 FC:1253 1020.00 DA

EXPRESS MAIL CERTIFICATE

"Express Mail" mail labeling number: EL 732697131 US

Date of Deposit: 11-02-05

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dee Dee Sutherland

Printed Name

Signature

11/07/2005 TBESHAH1 00000012 010519 09559001

02 FC:1453 1500.00 DA

11/07/2005 TBESHAH1 00000012 010519 09559001

01 FC:1401 500.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Egrie, et al

Serial No.: 09/559,001

Group Art Unit No.: 1647

Filed: April, 21 2000

Examiner: Deberry, Regina M.

For: Methods and compositions for the prevention and treatment of anemia

Docket No.: A-460 A

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicants respectfully state that the entire delay in filing the required notice of appeal from the due date for the notice of appeal until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional and petition that the application be revived and reinstated as a pending application.

A Notice of Appeal accompanies this petition.

Since this patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

Please charge Deposit Account No. 01-0519 in the amount of \$1,500.00. This amount covers \$1,500.00 for the Petition (\$1.17(m)) An original and two copies of this paper are enclosed.

Applicant(s) request(s) favorable action on this petition.

Please send all future correspondence to:

21069

U.S. Patent Operations/RBW
 Dept. 4300, M/S 28-2-C
 AMGEN INC.
 One Amgen Center Drive
 Thousand Oaks, California 91320-1799, USA

Respectfully submitted,

Robert B. Winter
 Attorney/Agent for Applicant(s)
 Registration No.: 34,458
 Phone: (805)447-2425
 Date: 11-2-05

EXPRESS MAIL CERTIFICATE"Express Mail" mail labeling number: EL 732597131 USDate of Deposit: 11-02-05

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

11-02-2005

Date

Dee Dee Sutherland
 Dee Dee Sutherland

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>2-9-06</u>		2 Serial/Patent # <u>09/559,001</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
<input checked="" type="checkbox"/>	Extension of Time	<u>IFW</u>	<u>11-2-05</u>	\$ <u>1020</u>							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
			7 TOTAL AMOUNT OF REFUND	\$ <u>1020</u>							
10 REASON:		8 TO BE REFUNDED BY:									
	Overpayment	Treasury Check									
	Duplicate Payment	Credit Deposit A/C #:									
<input checked="" type="checkbox"/>	No Fee Due (Explanation):	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td style="width: 20px;">0</td><td style="width: 20px;">1</td><td style="width: 20px;">--</td><td style="width: 20px;">0</td><td style="width: 20px;">5</td><td style="width: 20px;">1</td><td style="width: 20px;">9</td></tr></table>			0	1	--	0	5	1	9
0	1	--	0	5	1	9					
<u>EOT not necessary when reviving</u>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: <u>Patent Attorney</u>									
SIGNATURE: <u>[Signature]</u>		PHONE: <u>571-272-3203</u>									
OFFICE: <u>Patent</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****											
APPROVED: <u>[Signature]</u>		DATE: <u>2/15/06</u>									

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to: